

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PRESTON FREDERICK LAHMER,

Defendant.

CR 16–27–M–DLC–3

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on December 8, 2016. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).


Judge Lynch recommended this Court accept Preston Frederick Lahmer’s guilty plea after Lahmer appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of the possession with the

intent to distribute 3,4-methylenedioxymethamphetamine, commonly referred to as “MDMA” and “ecstasy,” a Schedule I controlled substance, aiding and abetting, in violation of 21 U.S.C. §§ 2 and 841(a)(1), as set forth in Count IV of the Indictment. In exchange for Defendant’s plea, the United States has agreed to dismiss Count I of the Indictment.

I find no clear error in Judge Lynch’s Findings and Recommendation (Doc. 119), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Preston Frederick Lahmer’s motion to change plea (Doc. 89) is GRANTED and Preston Frederick Lahmer is adjudged guilty as charged in Count IV of the Indictment.

DATED this 5th day of January, 2017.



Dana L. Christensen, Chief District Judge
United States District Court